IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3110 of 2007()

CRIME NO.576/2006 OF CHENGANNUR POLICE STATION

PETITIONER: ACCUSED NOS.2 TO 8 IN CRIME NO.576/2006

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1. KARUNAKARAN NAIR, AGED 76 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

2. SANTHAMMA, W/O.KARUNAKARAN NAIR, AGED 64 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

3. SANTHOSH, S/O.KARUNAKARAN NAIR, AGED 41 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

4. SURESH, S/O.KARUNAKARAN NAIR, AGED 37 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

5. SUNILKUMAR, S/O.KARUNAKARAN NAIR, AGED 31 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

6. SINDHU, D/O.KARUNAKARAN NAIR, AGED 35 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

7. ASOK KUMAR, H/O.SINDHU, AGED 41 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI
SMT.R.BEENA

RESPONDENTS: COMPLAINANT, DEFACTO COMPLAINANT & ACCUSED
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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. LEKHA S.NAIR, D/O.KARUNAKARAN PILLAI, AGED 29 YEARS, RESIDING AT CHEKKELATH VEETTIL, PERISSERY MURI, PULIYOOR CHENGANNUR TALUK.

3. SATHISH KUMAR, S/O.KARUNAKARAN NAIR, AGED 33 YEARS, RESIDING AT "KARUNA BHAVAN", KATTUKARA MURI, THIRUVALLA MUNICIPALITY, THIRUVALLA TALUK.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3110 of 2007

Dated this the 27th day of November 2007

O R D E R

The petitioners are accused 2 to 8 in a crime registered for offences punishable under Section 498A I.P.C. Investigation is pending. At this stage, the petitioners have come before this court with a prayer that the F.I.R registered against them may be quashed invoking the powers under Section 482 Cr.P.C.

2. What is the reason? The learned counsel for the petitioners submits that the first accused and the de facto complainant - spouses have settled their disputes and they have resumed co-habitation. A petition was pending before the Family Court in which the re-union of the spouses has been recorded as per Annexure B order. In these circumstances, it was submitted that there was no necessity for the continuation of the proceedings in crime No.576/06 before the Chengannur police station. It was hence prayed that the said F.I.R may be quashed.

2. The learned counsel for the petitioners was requested to ensure the presence of the de facto complainant/second respondent before this court through counsel to report composition. Now, it is submitted by the learned counsel for the

petitioners that though second and third respondents have settled their disputes and they are living together as husband and wife, they are not willing to compound the offences alleged against the petitioners. Notwithstanding the harmonious settlement and resumption of co-habitation between respondents 2 and 3, they are not willing to report composition in so far as the petitioners are concerned.

3. In these circumstances, the prayer for quashing of proceedings which has its foundation on the alleged settlement of disputes between the parties is found to be not sustainable and consequently powers under Section 482 Cr.P.C cannot be invoked.

4. The learned counsel for the petitioners submits that if the parties were referred to a Lok Adalath, there is possibility of settlement of disputes. The petitioners can certainly request the investigating officer or the court later, if the matter comes to court, to refer the matter to the Lok Adalath. I find no reason at this stage for this court to direct the parties to appear before the Lok Adalath.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007